

## **REMARKS**

### **I. Introduction**

In view of the above amendments and the following remarks, reconsideration of the rejections set forth in the Office Action of January 19, 2010 is respectfully requested.

By this amendment claims 1, 4, 7, 9, and 18-21 have been amended, claims 2, 11, 13, and 16 have been cancelled without prejudice or disclaimer to the subject matter contained therein, and claims 22-30 have been added. Claims 1, 4-7, 9-10, 15, and 18-30 are now pending in the application. No new matter has been added by these amendments.

### **II. Interview of January 13, 2010**

Applicants thank the Examiner for agreeing to conduct a personal interview in this application. In light of the discussion and agreement with respect to the meaning of the term “distal end,” Applicants submit that the claim amendments included with the present response overcome the prior art of record, as discussed in detail below.

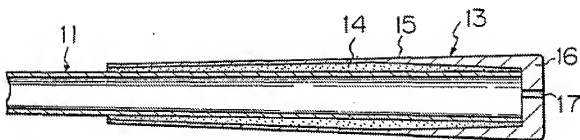
### **III. Prior Art Rejections**

Currently, claims 1, 2, 4, 9-11, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Petrillo (US H001050) in view of Kobayashi (US 4,819,939) and in further view of Kwitek (US 6,447,190), and claims 5-7, 13, 15, 16, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Petrillo in view of Kobayashi in view Kwitek and in further view of Siegel (US 3,250,033).

Claim 1 is patentable over Petrillo, Kobayashi, Kwitek, and Siegel, whether taken alone or in combination, for the following reasons. Claim 1 requires a barrel for a writing implement, the barrel comprising: a barrel body having a gripping part, the gripping part having a front end and a back end; and a grip member of layered structure formed by assembling an inner member and an outer member, the grip member being disposed on the gripping part of the barrel body, wherein the inner member is covered with the outer member, and the grip member is formed in an assembly facilitating shape for facilitating putting the outer member on the inner member, wherein each of the inner member and the outer member is formed prior to putting the outer member on the inner member such that each of the inner member and the outer member constitutes a preformed member, wherein the inner member has a first distal end disposed at the front end of the gripping part and a second distal end disposed at the back end of the gripping part, wherein the outer member has a first distal end disposed at the front end of the gripping part and a second distal end disposed at the back end of the gripping part, wherein the assembly facilitating shape is a tapered configuration, the outer member tapering to the second distal end thereof, and the inner member tapering from the second distal end thereof to the first distal end thereof, and wherein the outer member is configured to be axially compressed when put on the grip part of the barrel body.

In addressing claim 1 on page 2 of the Office Action, the Examiner acknowledges that the Petrillo reference does not disclose the assembly facilitating shape being a tapered configuration. However, it is asserted that it would have been obvious to provide the tapered gripping member configuration shown in figure 4 of the Kobayashi reference to the device of Petrillo. Claim 1 has been amended to require that the outer member tapers to the second distal end thereof, and the inner member tapers from the second distal end thereof to the first distal end

thereof. As shown in figure 4 of Kobayashi, the inner member (14) does not taper from a second distal end to a first distal end. Instead, the inner member (14) has an increasing thickness from a distal end closest to hole (17) to an approximate midpoint of the grip, and tapers from the approximate midpoint to the distal end furthest from hole (17). Further, the outer member (15) of Kobayashi does not taper to a distal end, but rather tapers from a distal end closest to hole (17) to the approximate midpoint of the grip and appears to be substantially uniform in thickness from the midpoint to the opposite distal end. Because Kobayashi does not disclose the outer member tapering to the second distal end thereof and the inner member tapering from the second distal end thereof to the first distal end thereof, Kobayashi cannot meet the requirements of claim 1.



**Figure 4 of Kobayashi (US 4,819,939)**

The Kwitek and Siegel references are relied on for alleged disclosures which are unrelated to the above-discussed deficiencies of Kobayashi and Petrillo, and Applicants submit that the Kwitek and Siegel references also fail to disclose the above-discussed requirements of claim 1.

Further, it appears as though there would have been no reason to modify any of the prior art of record to yield a configuration which would meet the requirements of claim 1. It is thus submitted that the invention of the present application, as defined in claim 1, is not anticipated

nor rendered obvious by the prior art, and yields significant advantages over the prior art.

Allowance is respectfully requested.

Claims 4-7, 9-10, 15, and 18-22 depend, directly or indirectly, from claim 1 and are thus allowable for at least the reasons set forth above in support of claim 1. Claims 23 and 30 include limitations similar to those discussed above with respect to claim 1, and Applicants submit that claims 23 and 30 are allowable over the prior art of record. Claims 24-29 depend from claim 23 and are thus allowable by virtue of their dependencies.

Further, Applicants would like to direct particular attention to claims 9, 21, 23, and 30. Claims 21 and 23 require that the outer member tapers from the first distal end to the second distal. It appears that this further limitation is not disclosed or rendered obvious by the prior art of record; thus in addition to be allowable for the reasons set forth above in support of claim 1, claims 21 and 23 are allowable for setting forth further limitations not disclosed or rendered obvious by the prior art. Claims 9 and 30 require a radially inwardly extending protrusion and a tapering configuration which are not disclosed or rendered obvious by the prior art of record; thus in addition to be allowable for the reasons set forth above, claims 9 and 30 are allowable for setting forth further limitations not disclosed or rendered obvious by the prior art.

In view of the foregoing amendments and remarks, inasmuch as all of the outstanding issues have been addressed, it is respectfully submitted that the present application is now in condition for allowance, and action to such effect is earnestly solicited. Should any issues remain after consideration of the response, however, the Examiner is invited to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

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